

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

MICHAEL ACKERMAN and Q3 HOLDINGS,
LLC,

Defendants.

Case No. 1:20-cv-01183-NRB

**NOTICE OF MOTION FOR ENTRY OF FINAL JUDGMENT BY DEFAULT,
PERMANENT INJUNCTION, CIVIL MONETARY PENALTY, AND OTHER
STATUTORY AND EQUITABLE RELIEF AGAINST
DEFENDANTS MICHAEL ACKERMAN AND Q3 HOLDINGS, LLC**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b), Plaintiff Commodity Futures Trading Commission (“Commission”) respectfully requests that the Court enter final judgment by default against Defendants Michael Ackerman (“Ackerman”) and Q3 Holdings, LLC (“Q3H”) and issue a final order, in the form of the proposed judgment submitted herewith, that finds them liable for violations of Section 6(c)(1) of the Commodity Exchange Act, 7 U.S.C. § 9(1) (2018), and Commission Regulation 180.1(a), 17 C.F.R. § 180.1(a) (2021), and grants permanent injunctive relief, a civil monetary penalty, and other statutory and equitable relief.

In support of this Motion, the Commission submits an accompanying Memorandum of Law and the Declarations of Jason Gizzarelli and Dmitriy Vilenskiy, which include, pursuant to Local Civil Rule 55.2(b) and ECF Rule 16.4, a copy of the Complaint (ECF No. 1) to which no response has been made, a copy of the Summons for each defendant (ECF Nos. 15 and 16), Proof of Service of the Summons and Complaint for each Defendant (ECF Nos. 21 and 22), a

copy of the Clerk's Certificate of Default for each Defendant (ECF Nos. 33 and 37), a calculation of damages and a proposed judgement.

Dated: September 27, 2022

Respectfully submitted,

By: s/Jason Gizzarelli

Jason Gizzarelli (admitted *pro hac vice*)

Jonah E. McCarthy (S.D.N.Y. Bar No. JM1977)

Luke B. Marsh (admitted *pro hac vice*)

Paul G. Hayeck

COMMODITY FUTURES TRADING COMMISSION

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